

THE MINUTES OF THE 528TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

**11 AUGUST 2006
1515 ARCH STREET, ROOM 18029
MICHAEL SKLAROFF, ESQ., CHAIR**

PRESENT

Michael Sklaroff, Esq., Chair
Joseph James, Department of Public Property
David Perri, Department of Licenses & Inspections
Vincent Rivera, AIA
David Schaaf, R.A., Philadelphia City Planning Commission
Denise Smyler, Esq.
Norman Tissian
Sara Merriman, Commerce Department

Randal Baron, Historic Preservation Specialist
Jorge Danta, Historic Preservation Planner
Jonathan Farnham, Acting Historic Preservation Director
Erin Coté, Historic Preservation Planner
Karen Gonski, Administrative Technician
Leonard Reuter, Assistant City Solicitor, Law Department

ALSO PRESENT

Philip Pierce
Mike Marino, Posmetia, Inc
David Artman, Kise Straw Kolodner
Paul Thompson, BluPath Design
Jeffrey Krawitz, Silverman Bernheim & Vogel
Linda Simon
Martin Simon
Richard W. Thom
John Gilligan
Liz Blazeovich, Preservation Alliance
Jane Golden, Mural Arts Program
Amy Johnston, Mural Arts Program
Michael Caven
Aisha Richardson, Uptown Entertainment Development
Bill Stewart
Debi Rochelle
Lanny Leibowitz
Sol Deminsky
Edwin Rivera, Queen Village Neighbors Association
Jean Barr, Queen Village Neighbors Association

528TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

Michael Sklaroff, Chair, recognized the presence of a quorum and called the 528th Stated Meeting of the Philadelphia Historical Commission to order at 9:17 a.m. Commissioners Sklaroff, James, Merriman, Perri, Rivera, Schaaf, Smyler, and Tissian were in attendance.

MINUTES OF THE 527TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Upon a motion proffered by Mr. Tissian and seconded by Ms. Smyler, the Commission unanimously approved the minutes of the 527th Stated Meeting of the Philadelphia Historical Commission, held 14 July 2006.

REPORT OF THE ARCHITECTURAL COMMITTEE, 25 JULY 2006, VINCENT RIVERA, CHAIR

2428 POPLAR STREET

Owner/Applicant: Robert Moy

History: Date 1891, John T. Windrim for Girard Estate, Designated 1/5/1984

Project: Legalize revised roof deck

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval of the revised deck application, with the staff to review details.

OVERVIEW: In May 2006, the Historical Commission reviewed and denied an application to legalize a roof deck constructed without a building permit or the Commission's approval. During that review, the Commission advised the applicant to seek ways to minimize the impact of the deck on the historic property. The applicant now proposes a revised deck, which was redesigned in accordance with the comments of the Architectural Committee and Commission.

The property is located at the corner of 24th and Poplar Streets. As constructed, the deck, which occupies the entire footprint of the rear ell, is highly visible from 24th Street. The current application proposes to set the deck three feet back from the 24th Street façade. This setback would diminish the visibility of the deck along this façade and would eliminate all visibility from 24th Street looking north. The current bracing and supports on the 24th Street façade would be removed and new, less conspicuous structural members would be set back five feet from the façade. The supports would rest on a new beam that would be placed parallel to the street façade. This setback would greatly diminish the perceived height and massing of the deck. The original application proposed to cut a door to the deck in the mansard. The application now proposes to convert the west dormer window into a door for access.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Owner Robert Moy represented the application.

ACTION: Mr. Tissian moved to adopt the Architectural Committee's recommendation and approve the revised deck application, with the staff to review details. Ms. Merriman seconded the motion, which passed unanimously.

916 S. SWANSON STREET, AKA 901-21 S. WATER STREET; 1-25 WASHINGTON AVENUE

Owner: Gloria Dei Episcopal Church

Applicant: David Artman

History: c. 1830s

Project: Construct addition to rectory

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details, pursuant to Standards 9 and 10.

OVERVIEW: This application proposes an addition to the rectory of Gloria Dei Church. The rectory is a freestanding building; it is not connected to the church building. The rectory building, although not as old as Gloria Dei, dates from the mid-nineteenth century. The proposed addition would be constructed along a solid party wall, with a set-back of twelve feet from the front façade of the rectory. It would be two stories high, three bays wide, and have a pitched roof. The building already has two small additions, one at the rear, one at the side; both additions are sided with wood clapboard. The proposed addition would be sided with fibro-cement board, fenestrated with clad windows, and roofed with asphalt shingles.

DISCUSSION: Mr. Danta presented the proposal to the Commission. David Artman, the architect, represented the application.

Mr. Sklaroff asked if the other Commissioners would accept vinyl-clad windows on the new addition. Others replied that they would be appropriate on the non-historic portion. Mr. Schaaf inquired about the material for the patio, to which Mr. Artman responded that it would be brick.

ACTION: Mr. Tissian moved to adopt the Architectural Committee's recommendation and approve the proposal, with the staff to review details, pursuant to Standards 9 and 10. Mr. Schaaf seconded the motion, which passed unanimously.

2240-2248 N. BROAD STREET

Owner: Uptown Entertainment Development Corporation

Applicant: Jane Golden, Mural Arts Program

History: 1927-1929, Magaziner, Eberhard & Harris, architects

Project: Legalize mural

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Section 6.8.A.4 of the Commission's *Rules & Regulations*.

OVERVIEW: This application seeks to legalize a mural on the south party wall of the Uptown Theater. The Architectural Committee reviewed an identical application at its April 2006 meeting and recommended denial. The applicant withdrew that application before the Commission reviewed it. The party wall was stuccoed and painted white at the time of designation.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Jane Golden and Amy Johnston of the Mural Arts Program and Aisha Richardson of the Uptown Entertainment Group represented the application.

Mr. Danta noted for the record that the applicant had submitted two additional letters of support from State Representative Jewel Williams and Aisha Richardson of the Uptown Entertainment Group.

Mr. Sklaroff asked about the ownership of the wall on which the mural is painted. He asked if it is a party wall. He also asked about identity of the owner of the adjacent building. Ms. Golden stated that the Uptown Theater owns the wall. Ms. Richardson responded that the neighboring building houses a nuisance business; it is a stand-alone building, not physically connected to the theatre. Mr. Sklaroff asked the applicants if they could identify the owner of the land between the buildings, up to and including the wall itself. Ms. Golden responded that she believed that the entirety of the wall is owned by the Uptown Theater. Mr. James explained to the applicants that the Commission must be certain of the identity of the owner of the wall in question because it will determine the extent of the Commission's jurisdiction. Mr. Sklaroff stated that the owner of the wall has an interest in and must sanction the application. Ms. Golden stated that she had been advised that the Uptown owned the wall; she did not consider it a party wall. Ms. Richardson explained that four properties were demolished to construct the Uptown Theatre; she added that the adjacent building is a stand-alone property, with no physical connection to the theatre. She reported that the business owner did allow access to an alley during the painting of the mural. Mr. Sklaroff stated that the owner of the wall must join in the application with the Mural Arts Program and Uptown. Mr. Sklaroff explained to the applicants that the mural is probably on a party wall, which is jointly owned by the Uptown and the adjacent owner. He stated that the applicant must provide a letter from the co-owner joining in and supporting the application.

ACTION: Mr. Tissian moved to table the application for a period not to exceed 60 days. Ms. Smyler seconded the motion, which passed with a vote of 7 to 0. Mr. James abstained.

1627 SPRUCE STREET, UNIT 2

Owner/Applicant: Jeffrey Brydzinski

History: Built c. 1850, Designated in 2/8/1995

Project: Replace wood windows with clad windows.

1627 SPRUCE STREET, UNIT 3

Owner/Applicant: Phillip Pierce

History: Built c. 1850, Designated in 2/8/1995

Project: Replace wood windows with clad windows.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial of both applications, pursuant to Standard 6.

OVERVIEW: These applications propose to replace the windows in the main façade of this building with Pella Architect series one-over-one clad windows. The applicants have already placed orders for the clad windows.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Phillip Pierce, who owns Unit 3, represented himself and Jeffrey Brydzinski, the owner of Unit 2.

Mr. Pierce explained that he purchased the property approximately one year ago. He stated that, at the time of the purchase, the designation was not disclosed to him.

Furthermore, the condominium association for the building informed him that the property was not designated as historic. Believing that the building was not designated, Mr. Pierce ordered windows from Pella, owing to the deterioration and unsafe conditions of the existing windows. He opined that the differences between the wood and aluminum-clad windows cannot be discerned from the street. He claimed that 50% of the windows in the immediate neighborhood are already vinyl or aluminum. He conceded that he ordered the windows prior to applying for a building permit from the Department of Licenses & Inspections. The windows have not yet been installed.

Ms. Merriman commented that Pella's nearest distributor is in Springfield, Pennsylvania. She opined that the distributor would not necessarily be aware of a historical designation. She stated that it was not Pella's responsibility to determine if the property is historic. Mr. Sklaroff disagreed. He responded that, if Pella is the installer, then, as a contractor in the City of Philadelphia, it may be responsible for seeking the permit.

Mr. Sklaroff asked the applicant if the windows would be installed in private units or in the common areas. Mr. Pierce replied that he believed in private units, but he was unsure of the ownership of the facades.

Mr. Pierce stated that the windows he is proposing are better than the historic windows. Mr. Sklaroff noted that Mr. Pierce's assertion might change the terms of the discussion; he asked Mr. Pierce if he was requesting that the Commission consider the application on the merits of the windows or as a case of potential hardship. Mr. Sklaroff asked Mr. Baron to comment on the merits of the windows. Mr. Baron stated that there are several differences between the Pella and historic windows. The Pella windows are clad, not wood; the Pella windows are one-over-one, not the historic two-over-two pane configuration; and the Pella windows require subframes, thereby reducing the overall glass area and narrowing the windows. Mr. Baron acknowledged that, prior to the designation of the district, many non-historic windows were installed in the area; however, with the creation of the district, windows in the area are slowly but steadily being restored.

Ms. Smyler's asked about the payments to Pella. Mr. Pierce stated that he had paid a deposit of \$5,000; Mr. Brydzinski, his neighbor and co-applicant, had paid a deposit of \$4,000. Mr. Sklaroff noted that, although the applicants have made deposits, the windows may not have been fabricated yet. Pella may still be willing to refund their deposits.

Mr. Baron stated that Pella often telephones the Commission staff to determine whether properties are designated as historic.

Mr. James stated that these applications are not requesting legalization, but are requesting approval. They are not a hardship applications, but standard permit applications; they must be reviewed on their merits. He suggested that the applicants can return with hardship applications if necessary.

ACTION: Mr. Rivera moved to adopt the Architectural Committee's recommendation and deny both applications, pursuant to Standard 6. Ms. Smyler seconded the motion, which passed with a vote of 7 to 1. Ms. Merriman dissented.

2232 GREEN STREET

Owner: 2235 Green Street Acquisition, LP

Applicant: Sol Dembinsky

History: built c. 1856, Contributing in Spring Garden Historic District, 10/11/2000

Project: Legalize vinyl windows, deck rail, and add stone details to front

ARCHITECTURAL COMMITTEE RECOMMENDATION: The members of the Architectural Committee voted to recommend denial of the windows, door, and molding around the door owing to incompleteness and pursuant to Standards 6 and 9; and approval of the roof deck railing, with the staff to review details.

OVERVIEW: This application proposes to legalize the installation of vinyl windows, a new side door, and a roof deck railing. Approximately ten vinyl windows were replaced with new vinyl windows throughout the building. The rotting wood roof deck railing was replaced with pressure-treated wood and spindles were added. This application also proposes to surround the front entrance with a limestone-like molding and a similar limestone element to be placed under the first-floor windows.

DISCUSSION: Ms. Cote presented the proposal to the Commission. No one represented the application.

Mr. Schaaf noted that the both the existing and proposed windows are inappropriate to the historic building. He stated that the restoration of the historic windows would be appropriate.

ACTION: Ms. Smyler moved to adopt the Architectural Committee's recommendation and deny the windows, door, and molding around the door, owing to incompleteness and pursuant to Standards 6 and 9; and to approve the roof deck railing, with the staff to review details. Mr. Rivera seconded the motion, which passed unanimously.

11 S. 5TH STREET, A.K.A 111 S. INDEPENDENCE MALL EAST (THE BOURSE)

Owner: Bourse Mall Associates

Applicant: Mike Marino

History: Built in 1893-95, G.W. & W.D. Hewitt, Architects, Designated 1/26/1971

Project: Alter window into door

ARCHITECTURAL COMMITTEE RECOMMENDATION: The members of the Architectural Committee voted to recommend approval of a single-leaf door with one sidelight to fill the opening, but no transom, with the frame to match the adjacent door frame at the main entrance, with the staff to review details.

OVERVIEW: This application proposes to remove an existing window on the west façade of the building (5th Street elevation) and replace it with a new glass and aluminum door with a sidelight and transom. The proposed door is the same type as the doors that currently exist on the façade. The finish of the door is to match that of the existing aluminum frame doors. The proposed installment/replacement will not alter the existing masonry opening.

DISCUSSION: Ms. Cote presented the proposal to the Commission. Mike Marino, the store owner, represented the application.

MOTION: Mr. Schaaf moved to adopt the Architectural Committee's recommendation and approve a single-leaf door with one sidelight to fill the opening, but no transom, with the frame to match the adjacent door frame at the main entrance, with the staff to review details. Ms. Merriman seconded the motion.

Mr. Marino identified himself as the owner of a store housed within the Bourse Building. Mr. Sklaroff asked if the owner of the Bourse Building had approved the proposal. Mr. Marino explained that the owner approved the overall project but had not yet reviewed the revised plan suggested by the Architectural Committee. Mr. Sklaroff remarked that the Commission should require a letter from the building owner authorizing this particular design. Ms. Merriman suggested that Commission table the proposal until the property owner approves the changes. Mr. Sklaroff stated that the property owner must join in the application. Mr. James suggested that the property owner and the store owner co-apply. Mr. Tissian suggested that the Commission approve this proposal conditioned upon the authorization of the building owner.

WITHDRAWN MOTION: Mr. Schaaf and Ms. Merriman withdrew their motion.

ACTION: Mr. Tissian moved to approve a single-leaf door with one sidelight to fill the opening, but no transom, with the frame to match the adjacent door frame at the main entrance, with the staff to review details, provided that the applicant submits a letter from the building owner authorizing the application. Mr. Schaaf seconded the motion, which passed unanimously.

115 N. ORIANNA STREET

Owner/Applicant: William Vessal

History: built c. 1870. Contributing, Old City Historic District, 12/12/2003

Project: Add penthouse

ARCHITECTURAL COMMITTEE RECOMMENDATION: The members of the Architectural Committee voted to recommend approval of the proposal, provided the roof height is limited to 11' for the westernmost 6' of the penthouse and is limited to 14' for the remaining, eastern portion of the penthouse.

OVERVIEW: This application proposes to construct a 1,765 square-foot penthouse addition on the roof of this three-story building. The penthouse would be one-story and set back 11'-6" from the Orianna Street façade. The addition would be clad in wood siding, metal siding, stucco or a combination thereof. A window wall with a wood lattice shade device would span a large portion of the Orianna Street façade of the penthouse. This façade would also have an unshaded window and a small square window in the northern portion of the facade.

DISCUSSION: Ms. Cote presented the proposal to the Commission. No one represented the proposal.

MOTION: Mr. Rivera moved to adopt the recommendation of the Architectural Committee and approve the proposal, provided the roof height is limited to 11' for the westernmost 6' of the penthouse and is limited to 14' for the remaining, eastern portion of the penthouse. Mr. Tissian seconded the motion.

Ms. Smyler asked for clarifications on the cladding materials. Ms. Cote explained that the Architectural Committee suggested that stucco would be an appropriate material. Mr. Sklaroff noted that the applicant was not present to answer questions about the project. Mr. Sklaroff asked why the staff had recommended denial of the proposal. Ms. Cote responded that the façade of the addition was not compatible with the historic building. Mr. Schaaf stated that the addition would be faced with glass and stucco and would be minimally visible to the public. Mr. Sklaroff asked if the staff was qualified to review the details of the finish. Mr. James proposed that the motion be conditioned with the requirement that the stucco be of a neutral color.

ACTION: Messrs. Rivera and Tissian amended their motion to approve the proposal, provided that the roof height is limited to 11' for the westernmost 6' of the penthouse and is limited to 14' for the remaining, eastern portion of the penthouse and provided that the stucco is of a neutral color, with the staff to review details. The amended motion passed with a vote of 7 to 0. Mr. Sklaroff abstained.

602 S. FRONT STREET

Owner/Applicant: William K. Stewart

History: built c. 1795. Designation 6/24/1958

Project: Install new marble steps

ARCHITECTURAL COMMITTEE RECOMMENDATION: The members of the Architectural Committee voted to recommend denial as submitted, but approval of a top step as wide as the door opening, a slightly wider bottom step, and a plain simple black railing with vertical pickets, but no ovals, with the staff to review details.

OVERVIEW: This application proposes remove the existing steps and replacing them with white marble steps with a railing. The top step would be installed in the masonry of the building and measure the width of the door frame. The bottom step would measure 2'-8" by 5'-4". An metal railing would from the building to the bottom of the steps.

DISCUSSION: Ms. Cote presented the proposal to the Commission. William Stewart, the owner, represented the application.

When asked by Mr. Sklaroff if he agreed with the recommendation, Mr. Stewart responded that he would not object to it. He noted that the existing conditions were unsafe.

ACTION: Ms. Smyler moved to adopt the Architectural Committee's recommendation and deny the proposal as submitted, but to approve a top step as wide as the door opening, a slightly wider bottom step, and a plain simple black railing with vertical pickets, but no ovals, with the staff to review details. Mr. Schaaf seconded the motion, which passed unanimously.

56-60 N. 2ND STREET, 209 CUTHBERT STREET

Owner: Kevin Wentworth, Normandy/806 SAR Philadelphia Portfolio

Applicant: Richard Thom

History: 56-60 N. 2nd Street, built 1836, new façade and enlargement to factory for Tuttleman Brothers and Faggen in 1900-01, Thomas Stephen, architect

Project: Replace windows; rehabilitate storefront

ARCHITECTURAL COMMITTEE RECOMMENDATION: The members of the Architectural Committee voted to recommend approval of aluminum square-top windows at all of Elevations B and C and most of D, provided that wood true-divided-light arch-top windows are installed at the two southernmost (closest to Cuthbert) bays of Elevation D; wood true-divided-light square-top windows at the front facade on 2nd Street (Elevation A); and wood true-divided-light arch-top windows at the remaining facades, Elevations E-L; provided that the rope molding is retained and repaired; with the staff to review details.

OVERVIEW: This application proposes windows for the many facades of this complex as shown on the enclosed plan. The applicants seek to replace most of the windows in their historic configuration in wood with some exceptions. On the front façade, there are currently some arched windows on the fourth and fifth floors which appear in photographs of the 1970s. Upon closer inspection, the staff thought that the fifth-floor windows date to the mid-twentieth century. On the light-court off Cuthbert Street, which is surrounded by three pieces of this building complex, the applicant proposes aluminum windows with square heads, even where there are currently arch-top windows. Similarly, the applicant proposes the aluminum square-head windows for the façade facing Little Boys Way again in a location that historically had arch-head windows.

DISCUSSION: Mr. Baron presented the application to the Commission. Richard Thom, the architect, represented the application.

Mr. Baron explained that, owing to the complexity of the proposal, the applicant had labeled the façades A through K on the plans for easier comprehension.

Mr. Thom distributed additional information and explained that his client planned to replace 280 windows. The new windows will cost \$500,000. He asked the Commission for relief on the D elevation, in a light court off Cuthbert Street. He claimed that there is little public visibility of this façade. He stated that the 2nd Street façade would be restored. He noted that he is now proposing non-historic windows in the light court. Mr. Thom reported that the building was rehabilitated in 1980 as a tax credit project; the work was poorly executed and the current owner will need to expend significant funds to overcome the residual problems. The 1980 windows are falling out of their frames. Mr. Sklaroff asked for number of windows disagreed upon by the applicant and the Committee. Mr. Thom answered ten windows. Mr. Baron stated that the windows in question are visible from Cuthbert Street; the top two windows are also visible from 2nd Street.

ACTION: Mr. Rivera moved to adopt the recommendation of the Architectural Committee and approve aluminum square-top windows at all of Elevations B and C and most of D, provided that wood true-divided-light arch-top windows are installed at the two southernmost (closest to Cuthbert) bays of Elevation D; wood true-divided-light square-top windows at the front facade on 2nd Street (Elevation A); and wood true-divided-light arch-top windows at the remaining facades,

Elevations E-L; provided that the rope molding is retained and repaired; with the staff to review details. Mr. Tissian seconded the motion, which passed with a vote of 5 to 3. Ms. Merriman and Messrs. James and Tissian dissented.

242 S. 21ST STREET

Owner: Debi Rochelle

Applicant: Paul Thompson, architect

History: built c. 1855, Contributing to Rittenhouse/Fitler Historic District

Project: Demolish and reconfigure entry stair; add rooftop deck, greenhouse, solar collectors, balconies

ARCHITECTURAL COMMITTEE RECOMMENDATION: The members of the Architectural Committee voted to recommend denial of the alterations to the front stoop for the new steps and basement access; approval of the remainder of the proposal, with the staff to review details, pursuant to Standards 2 and 9.

OVERVIEW: The application proposes demolishing the original marble stoop to build new wide steps and a basement access to a storage room. For the roof, it proposes a glazed stair enclosure, decks, trellis, and solar collectors. A rear bay would be demolished to allow for new balconies. A sunroom would be added to the side.

DISCUSSION: Mr. Baron presented the proposal to the Commission. Paul Thompson, the architect, represented the application.

Mr. Thompson stated that he was withdrawing all work proposed for the front façade, for which the Architectural Committee had recommended denial. He stated that he is only seeking approvals of the proposed work at the side and rear.

Mr. Schaaf asked for further information on the greenhouse. Mr. Thompson described the need to extend the existing stair up to the roof to access the new roof deck. The greenhouse would bring natural light into the stair. Mr. Tissian asked if any of the alterations would be visible to the public. Mr. Thompson stated that they would not be visible.

ACTION: Mr. Tissian moved to adopt the Architectural Committee's recommendation and deny the alterations to the front stoop for the new steps and basement access, but approve the remainder of the proposal, with the staff to review details, pursuant to Standards 2 and 9. Mr. Rivera seconded the motion, which passed unanimously.

1528 PINE STREET

Owner/Applicant: Michael Caven

History: built 1845, architect, John Haviland

Project: Legalize removal of slate sidewalk and pediment over door

ARCHITECTURAL COMMITTEE RECOMMENDATION: The members of the Architectural Committee voted to recommend legalization of the removal of the pediment over the door, provided the restoration to the other areas including the molding and capitals is undertaken, but denial of the legalization of the removal of the bluestone sidewalk.

OVERVIEW: This application proposes legalizing the removal of a brownstone pediment

above the front door and a portion of bluestone sidewalk in front of the building. The applicant is repairing other areas of masonry on the façade under a separate permit.

DISCUSSION: Mr. Baron presented the proposal to the Commission. Michael Caven, the owner, represented the application.

Mr. Sklaroff asked Mr. Baron for a clarification on the phrase “other areas.” Mr. Baron responded the applicant had already obtained a permit to work on the brownstone, but the contractor exceeded the permit. The contractor had removed a boot-scraper block. Also, the permit specified a patching material with an integral color, but the contractor used cement instead. Finally, the new belt course is considerably larger than the original. The contractor now intends to restore the correct shapes to the belt course and replace the boot-scraper block in brownstone. The contractor also intends to restore the detail to the top of the brackets flanking the door.

Mr. Caven agreed to replace the concrete sidewalk with bluestone.

ACTION: Ms. Smyler moved to adopt the Architectural Committee’s recommendation and legalize the removal of the pediment over the door, provided the restoration to the other areas including the molding and capitals is undertaken, but to deny the legalization of the removal of the bluestone sidewalk. Mr. Schaaf seconded the motion, which passed unanimously.

265 S. 19TH STREET

Owner: Premier Fiduciary Properties

Applicant: Lanny Leibowitz, architect

History: c. 1860

Project: Cut door and window, remove stucco

ARCHITECTURAL COMMITTEE RECOMMENDATION: The members of the Architectural Committee voted to recommend approval of the proposal, with the staff to review details.

OVERVIEW: This application proposes cutting a doorway at the first floor and a window at the top floor on the Manning Street façade. The cutting of a new doorway on the side would change the original residential character of this building.

DISCUSSION: Mr. Baron presented the proposal to the Commission. Architect Lanny Lebowitz represented the application. Mr. Lebowitz agreed to accept the Architectural Committee’s recommendation and work with the staff on the design of the door.

ACTION: Mr. Rivera moved to adopt the Architectural Committee’s recommendation and approve the proposal, with the staff to review details. Ms. Smyler seconded the motion, which passed unanimously.

8217 GERMANTOWN AVENUE

Owner: VFW Post 5205

Applicant: John P. Gilligan

History: Built in 1859. Designated 11/29/1966

Project: Legalize vinyl windows

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial, pursuant to Standards 5 and 6.

OVERVIEW: This application proposes to legalize vinyl windows installed without the Commission's approval or a building permit. The vinyl windows match the historic pane configurations, but lack the historic proportions, profiles, and other details.

DISCUSSION: Mr. Baron presented the proposal to the Commission. John Gilligan, the post commander, and Gary Lorenzen, vice commander, represented the application.

Mr. Sklaroff asked the applicants to summarize their case. Mr. Gilligan explained that the Post replaced the windows in two phases, the second and third-floor windows in 2004 and the first-floor windows in 2006. They did not receive a violation for the work in 2004, but did receive one in 2006. He stated that Matus Windows was the contractor. Mr. Sklaroff noted that Matus has appeared before the Commission many times.

Ms. Smyler noted the financial paperwork submitted by the Post and asked if the Commission should consider it as a hardship proposal. Mr. Sklaroff stated they may have a case for hardship, but that should also consider remedies with the contractor. He noted that Matus, a company familiar with the City's and Commission's processes, did not seek a permit. He suggested that, perhaps, Matus should install the appropriate windows. Mr. Gilligan asked the Chair if he was suggesting litigation with the contractor. Mr. Sklaroff replied that the Post should insist that Matus correct the problem. Mr. Gilligan doubted that Matus would correct the problem without being compelled. Mr. Sklaroff remarked that Matus appears often before the Commission and suggested that the Post request in writing that Matus correct the problem.

Mr. Gilligan claimed ignorance of the property's historic designation. He stated that 35 windows were installed during the first phase. He suggested that the Commission should have issued violations at that time. Mr. Sklaroff stated that the contractor should have been aware of the necessity to obtain a building permit in the City of Philadelphia. Mr. Sklaroff stated that the Commission must enforce the law.

Mr. Schaaf reported that this building is in the largest historic district in the state of Pennsylvania, the Chestnut Hill National Historic District, and opined that this building is one of its most outstanding structures.

Mr. Tissian pointed to paperwork documenting that a Philadelphia Historical Commission plaque was issued to the Post in 1981. He asked if it hangs on the building today. Mr. Baron displayed a recent photograph showing the plaque hanging adjacent to the front door. The Commissioners asked how the Post could claim ignorance of the designation when the plaque at the entrance to their building announces it. Mr. Gilligan stated that he had no excuse.

Ms. Smyler stated that she would vote to deny the legalization. She remarked that the applicant has options, a hardship application or litigation with the contractor, regardless

of the outcome of this review.

Mr. Gilligan stated that, after providing the financial hardship paperwork, he assumed that his application would automatically be referred to the Hardship Committee. Mr. Sklaroff advised the applicant that he has the option of applying for relief under the Commission's hardship provision, but he also suggested that the applicant contact Matus Windows and attempt to cure the violation.

Mr. Reuter noted to the Commission that the applicant had specifically requested a hardship review in writing. Mr. Farnham explained that the staff never initiates hardship application reviews by the Hardship Committee, but only refers hardship applications to the Committee when directed by the Commission itself. Mr. Reuter requested clarity regarding the current hardship application; he asked if the applicant was withdrawing his application for financial hardship. Mr. Sklaroff replied that the applicant was not withdrawing the hardship application, but would instead first seek a resolution with Matus Windows before pursuing the hardship option.

ACTION: Mr. Tissian moved to adopt the Architectural Committee's recommendation to deny the legalization, pursuant to Standards 5 and 6. Mr. James seconded the motion, which passed unanimously.

ACTION: Mr. Tissian moved to authorize the Litigation Committee to explore and act on the issues raised by the case of the illegal windows at 8217 Germantown Avenue. Mr. James seconded the motion, which passed unanimously.

244 SOUTH 22ND STREET AKA 2400 RITTENHOUSE SQUARE STREET

Owner: Linda and Martin Simon

Applicant: Craig Deutsch, architect

History: c. 1840; altered, c. 1890

Proposal: Legalize vinyl windows

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee recommended denial of the legalization, pursuant to Standard 6.

OVERVIEW: The owner had 19 pairs of wood sash replaced with vinyl on the Rittenhouse Square Street façade of this corner building without a permit. Shutter hardware was removed and the wood frames were capped in aluminum. In her letter, owner Linda Simon says that she did not know that the building is historically designated. She cites that the notice letter that was mailed to the wrong address. However, several factors indicate that the owner would have been notified of the Commission's jurisdiction:

1. The notice letter was also sent to owner at the property.
2. As a realtor living in the area, the owner would have been aware of the multiple posters with maps on every block as well as the newspaper notices.
3. Commercial buildings with multiple units require a permit for windows even if they are not designated.
4. Randal Baron of the Commission's staff requested violations and spoke to the contractor after the upper-floor windows were installed, gave him a business card, explained that the building is historic, and asked him to seek a permit and inform the owner. Mr. Baron received a message from the contractor before the second set of windows was installed.

DISCUSSION: Mr. Baron presented the proposal to the Commission. Linda and Martin Simon and Jeffrey Krawitz, their attorney, represented the application.

Mr. Baron explained that the window installation was done in two phases several months apart. Mr. Baron recalled a telephone conversation with a concerned neighbor, who had taken pictures of the truck and contractors involved in the work. At that time, Mr. Baron visited the site and left a business card with one of the workers. He informed the workers that the property was historical. He requested that the Department of Licenses & Inspections issue violations for failing to secure a building permit.

Mr. Krawitz stated that his clients did not know that this property was historic when they installed the windows. He also stated this property was not designated historic when his clients purchased it. Furthermore, the written notice of the designation was sent to an incorrect address. Mr. Krawitz stated that several neighbors have installed vinyl windows recently. He then stated that the window installer, Mr. Nardy of Oregon Windows, informed the applicants that they did not need a building permit to install the windows. He also stated that his clients told Mr. Nardy that property was not designated as historic; they did not know of the designation.

Mr. Krawitz reported that Mr. Nardy was told by Robert Sovibile, the Commissioner of the Department of Licenses & Inspections, that a building permit was not required for this project. Mr. Sklaroff asked Mr. Perri, the Commission's representative from the Department of Licenses & Inspections, to comment on this assertion. Mr. Perri replied that he had spoken with Commissioner Sovibile about the matter, who recalled the conversation with Mr. Nardy. Commissioner Sovibile informed Mr. Perri that he never told Mr. Nardy that the window replacement project did not need a building permit; Commissioner Sovibile offered to testify to this fact if necessary. The Commissioner did tell Mr. Nardy that, ultimately, the property owner is responsible for obtaining permits.

Mr. Perri then explained the building permit requirements for window replacement. He stated that, since the early 1990s, a building permit has been required for window replacement except in one and two-family dwellings. However, there are no exceptions for historic properties; permits are always required for work to the exteriors of historic properties. Mr. Perri noted that the property in question is a multi-family dwelling. Mr. Sklaroff remarked that, because of its multi-family occupancy, the window replacement would require a permit. Mr. Perri did acknowledge that there was a misprint in the most-recent ordinance and, technically, at this point in time, a permit is not required for window replacement in multi-family dwellings. He explained this misprint would be corrected in the ordinance this fall. However, a building permit would be required in this case because the building is historic.

Mr. Sklaroff polled the Commission for opinions on the question of notice in this case. Mr. Baron responded that a notice was sent to the "Owner" at 244 S. 22nd Street on 4 August 1995. Mr. Sklaroff examined the letter to "Owner" announcing the designation, which was sent to 244 S. 22nd Street. Mr. Baron pointed out that the letter mentioned windows specifically. Mr. Baron also noted the second letter to the current owners, which was sent to the wrong address. He explained that the Commission's ordinance requires that the Commission notify owners at the address as it appears in the real estate tax records of the Department of Revenue. He further explained that the notice letters were made directly from those records; therefore, the Commission complied with its

ordinance, even if the records were incorrect. Mr. Sklaroff asked about the purpose of the two letters, one to “owner” at the property address and the other to the owner at his or her tax address. Mr. Baron noted that there is redundancy in the notification system; the Commission places two posters announcing the potential designation on every block in the proposed district, it places advertisements in newspapers, and it sends two letters announcing the consideration and two letters after the designation. In response to Mr. Sklaroff’s question, Mr. Reuter stated that, in his opinion, the Commission had satisfied its notice requirements.

Mrs. Simon stated that all legal paperwork, tax bills, and utilities are sent to her address on N. 21st Street. She stated if the notice was sent to the S. 22nd Street address, it would have been placed in a general mailbox accessible to all the tenants in a common foyer. Mr. Sklaroff responded that emphasizing her status as an absentee landlord would not help her cause. Mr. Simon reiterated that they did not know the building was designated as historic and asked why the Commission did not issue a violation after the first set of windows was installed. Mrs. Simon again asked why the notice was not sent to their address on N. 21st street. Mr. Sklaroff restated that the letters sent to “Owner” at the S. 22nd street address constituted sufficient notice. Mr. Krawitz stated that he was troubled that, after two reviews of the property files, he had not seen the letter to “Owner” at 244 S. 22nd Street. He questioned the existence of the letter. He asked the record to reflect this concern.

Mr. Krawitz stated that his clients would have to pay \$45,000 to remove and replace the windows. This would constitute a hardship, he asserted. Mr. Simon asked if the Commission could institute a mechanism to notify all property owners of historic designations.

Ms. Smyler found the discrepancies in the recounting of the conversation between Mr. Nardy and Commissioner Sovibile troubling.

Mr. Tissian stated that, in light of the publicity of the historic districting, it is difficult to understand how anyone could be unaware of the historic designation of the Rittenhouse-Fitler area. Mrs. Simon stated again that she was not aware of this historical designation.

Mr. Krawitz asked to table the application to seek a hardship remedy. Mr. Baron noted that the Commission must act on this application at this meeting because it had already been tabled for six months. Mr. Sklaroff responded that the applicants have remedies including hardship and appeal. Mr. James asserted that the Commission’s hands are tied; it must deny this application. Ms. Smyler stated that only one notice of designation in ten years is problematic.

Mr. Tissian reminded the Commission that, after the first phase of the installation, Mr. Baron left his business card, explained the historic designation of the property to the workers, and asked them to seek a permit and inform the owner. Mr. Baron received a message from the contractor before the second set of windows was installed. Mr. Baron stated that he tried to contact Mr. Nardy, but never received a response to his message. Mr. Tissian also stated that the report said that Mr. Baron had received messages from the owner. Mr. Baron replied that that was a mistake; he had not.

Mrs. Simon asked why they did not receive a violation after they installed the first set of windows. Mr. Sklaroff replied that the Department of Licenses & Inspections issues

violations, not the Commission. Mr. Simon stated that preserving historic fabric was not his primary concern. He is primarily concerned with energy conservation and the safety and security of his tenants. Mr. Sklaroff noted that he was not helping his case.

ACTION: Mr. Rivera moved to accept the Architectural Committee's recommendation and deny the legalization, pursuant to Standard 6. Mr. James seconded the motion, which passed with a vote of 7 to 0. Ms. Smyler abstained.

THE REPORT ON THE ACTIVITIES OF THE HISTORICAL COMMISSION STAFF

Jonathan E. Farnham, Acting Historic Preservation Director

Mr. Farnham presented the report to the Commission. When asked if they had questions about the report, the Commissioners replied that they had none.

ADJOURNMENT

ACTION: Mr. Tissian moved to adjourn the meeting at 11:40 a.m. Mr. Schaaf seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

Section 14-2007(7)(j): No permit shall be issued for the demolition [as defined in Section 14-2007(2)(f)] of ... a building ... located within a historic district which contributes, in the Commission's opinion, to the character of the district, unless the Commission finds that issuance of a permit is necessary in the public interest, or unless the Commission finds that the building ... cannot be used for any purpose which it is or may be reasonably adapted.

Standard 2: The historic character of a property will be retained and preserved. The removal of distinct materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new works shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Respectfully submitted,

Jonathan Farnham, Randal Baron, Erin Coté, Jorge Danta, Karen Gonski